

Executive Summary – Enforcement Matter – Case No. 47651
Blanchard Refining Company LLC
RN102535077
Docket No. 2013-1754-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

Blanchard Refining Company Galveston Bay Refinery, 2401 5th Avenue South, Texas
City, Galveston County

Type of Operation:

Petroleum refinery

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Case No. 45977

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 13, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,250

Amount Deferred for Expedited Settlement: \$2,850

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,400

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: April 4, 2013

Date(s) of NOE(s): May 24, 2013

Executive Summary – Enforcement Matter – Case No. 47651
Blanchard Refining Company LLC
RN102535077
Docket No. 2013-1754-AIR-E

Violation Information

Failed to prevent unauthorized emissions. Specifically, Respondent released 11,017.6 pounds ("lbs") of volatile organic compounds, 144.5 lbs of carbon monoxide, 20 lbs of nitrogen oxides, 0.01 lb of hydrogen sulfide, and 1,026.9 lbs of benzene at the Oil Movements Control Center, during an emissions event (Incident No. 179920) that began on February 28, 2013 and lasted one hour and seventeen minutes. The emissions event occurred when the operator failed to follow the correct procedure on tank to tank transfer of materials, leading to a leak and a subsequent fire. Since this emissions event could have been avoided by better operating practices, Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 2231, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 1, 2013, Respondent revised procedures and trained operators to prevent the recurrence of emissions events due to same or similar causes as Incident No. 179920.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Ray Brooks, General Manager, Blanchard Refining Company LLC, 2401 5th Avenue South, Texas City, Texas 77590

Mark Clingan, Environmental Air Quality Supervisor, Blanchard Refining Company LLC, 2401 5th Avenue South, Texas City, Texas 77590

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES

Assigned

31-Jul-2013

PCW

12-Sep-2013

Screening

10-Sep-2013

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Blanchard Refining Company LLC

Reg. Ent. Ref. No. RN102535077

Facility/Site Region 12-Houston

Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No. 47651

Docket No. 2013-1754-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Government/Non-Profit No

Enf. Coordinator Nadia Hameed

EC's Team Enforcement Team 5

Admin. Penalty \$ Limit Minimum

\$0

Maximum

\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

100.0%

Enhancement

Subtotals 2, 3, & 7

\$7,500

Notes

Enhancement for six NOV with same/similar violations, one NOV with dissimilar violations, two orders with denial of liability, three orders without denial of liability, one court order with denial of liability, two federal administrative orders with denial of liability, one consent decree with denial of liability, and one criminal conviction. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

Culpability

No

0.0%

Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5 \$750

Economic Benefit

Total EB Amounts \$34

Approx. Cost of Compliance \$2,000

0.0% Enhancement*

*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$14,250

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$14,250

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$14,250

DEFERRAL

20.0%

Reduction

Adjustment

-\$2,850

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$11,400

Screening Date 10-Sep-2013

Docket No. 2013-1754-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 3 (September 2011)

Case ID No. 47651

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	2	60%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	1	50%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 287%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with same/similar violations, one NOV with dissimilar violations, two orders with denial of liability, three orders without denial of liability, one court order with denial of liability, two federal administrative orders with denial of liability, one consent decree with denial of liability, and one criminal conviction. Reduction for four notices of intent to conduct an audit and three disclosures of violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 287%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 10-Sep-2013

Docket No. 2013-1754-AIR-E

PCW

Respondent Blanchard Refining Company LLC

Policy Revision 3 (September 2011)

Case ID No. 47651

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102535077

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(F), Air Permit No. 2231, Special Conditions No. 1 and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent unauthorized emissions. Specifically, the Respondent released 11,017.6 pounds ("lbs") of volatile organic compounds, 144.5 lbs of carbon monoxide, 20 lbs of nitrogen oxides, 0.01 lb of hydrogen sulfide, and 1,026.9 lbs of benzene at the Oil Movements Control Center, during an emissions event (Incident No. 179920) that began on February 28, 2013 and lasted one hour and seventeen minutes. The emissions event occurred when the operator failed to follow the correct procedure on tank to tank transfer of materials, leading to a leak and a subsequent fire. Since this emissions event could have been avoided by better operational practices, the Respondent is precluded from asserting an affirmative defense under 30 Tex. Admin. Code § 101.222.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual		X	
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$7,500

One monthly event is recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$750

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent completed the corrective actions on July 1, 2013, after the May 24, 2013 NOE.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$14,250

This violation Final Assessed Penalty (adjusted for limits) \$14,250

Economic Benefit Worksheet

Respondent Blanchard Refining Company LLC

Case ID No. 47651

Reg. Ent. Reference No. RN102535077

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$2,000	28-Feb-2013	1-Jul-2013	0.34	\$34	n/a	\$34
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to revise procedures and training to prevent recurrence of emissions events due to same or similar causes. The Date Required is the date of the emissions event. The Final Date is the date that corrective actions were completed.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$34

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN604166868, RN102535077, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN604166868, Blanchard Refining Company LLC	Classification:	SATISFACTORY	Rating:	52.75
Regulated Entity:	RN102535077, BLANCHARD REFINING COMPANY GALVESTON BAY REFINERY	Classification:	SATISFACTORY	Rating:	55.00
Complexity Points:	49	Repeat Violator:	NO		
CH Group:	02 - Oil and Petroleum Refineries				
Location:	2401 5TH AVE S TEXAS CITY, TX 77590-8349, GALVESTON COUNTY				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

POLLUTION PREVENTION PLANNING ID NUMBER
P00032

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 30139

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
36873

AIR NEW SOURCE PERMITS PERMIT 2231

AIR NEW SOURCE PERMITS PERMIT 2529

AIR NEW SOURCE PERMITS PERMIT 2612

AIR NEW SOURCE PERMITS PERMIT 3758

AIR NEW SOURCE PERMITS PERMIT 6488

AIR NEW SOURCE PERMITS PERMIT 6600

AIR NEW SOURCE PERMITS PERMIT 9606

AIR NEW SOURCE PERMITS REGISTRATION 10129

AIR NEW SOURCE PERMITS REGISTRATION 10212

AIR NEW SOURCE PERMITS REGISTRATION 11173

AIR NEW SOURCE PERMITS REGISTRATION 11176

AIR NEW SOURCE PERMITS REGISTRATION 15271

AIR NEW SOURCE PERMITS PERMIT 19599

AIR NEW SOURCE PERMITS REGISTRATION 24608

AIR NEW SOURCE PERMITS PERMIT 47256

AIR NEW SOURCE PERMITS REGISTRATION 47956

AIR NEW SOURCE PERMITS REGISTRATION 49771

AIR NEW SOURCE PERMITS REGISTRATION 51875

AIR NEW SOURCE PERMITS AFS NUM 4816700001

AIR NEW SOURCE PERMITS REGISTRATION 71839

AIR NEW SOURCE PERMITS REGISTRATION 87463

AIR NEW SOURCE PERMITS REGISTRATION 78120

AIR NEW SOURCE PERMITS REGISTRATION 81757

AIR NEW SOURCE PERMITS REGISTRATION 84658

AIR NEW SOURCE PERMITS REGISTRATION 83759

AIR NEW SOURCE PERMITS REGISTRATION 86677

AIR NEW SOURCE PERMITS REGISTRATION 83424

AIR NEW SOURCE PERMITS REGISTRATION 87193

AIR NEW SOURCE PERMITS REGISTRATION 84396

AIR NEW SOURCE PERMITS REGISTRATION 88697

AIR NEW SOURCE PERMITS REGISTRATION 88241

AIR NEW SOURCE PERMITS REGISTRATION 86558

AIR NEW SOURCE PERMITS REGISTRATION 87296

AIR NEW SOURCE PERMITS REGISTRATION 92956

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXD008080533

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXP490351580

AIR NEW SOURCE PERMITS PERMIT 1940

AIR NEW SOURCE PERMITS PERMIT 2315

AIR NEW SOURCE PERMITS REGISTRATION 2608

AIR NEW SOURCE PERMITS PERMIT 2938

AIR NEW SOURCE PERMITS PERMIT 4714

AIR NEW SOURCE PERMITS PERMIT 6592

AIR NEW SOURCE PERMITS PERMIT 7085

AIR NEW SOURCE PERMITS REGISTRATION 10060

AIR NEW SOURCE PERMITS REGISTRATION 10156

AIR NEW SOURCE PERMITS REGISTRATION 10597

AIR NEW SOURCE PERMITS REGISTRATION 11175

AIR NEW SOURCE PERMITS REGISTRATION 11787

AIR NEW SOURCE PERMITS REGISTRATION 18506

AIR NEW SOURCE PERMITS PERMIT 22107

AIR NEW SOURCE PERMITS PERMIT 46052

AIR NEW SOURCE PERMITS REGISTRATION 47696

AIR NEW SOURCE PERMITS REGISTRATION 47954

AIR NEW SOURCE PERMITS ACCOUNT NUMBER GB0004L

AIR NEW SOURCE PERMITS REGISTRATION 75507

AIR NEW SOURCE PERMITS REGISTRATION 56657

AIR NEW SOURCE PERMITS REGISTRATION 54721

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402

AIR NEW SOURCE PERMITS REGISTRATION 81516

AIR NEW SOURCE PERMITS REGISTRATION 82308

AIR NEW SOURCE PERMITS REGISTRATION 85670

AIR NEW SOURCE PERMITS REGISTRATION 84454

AIR NEW SOURCE PERMITS REGISTRATION 83422

AIR NEW SOURCE PERMITS REGISTRATION 83941

AIR NEW SOURCE PERMITS REGISTRATION 87883

AIR NEW SOURCE PERMITS REGISTRATION 84567

AIR NEW SOURCE PERMITS REGISTRATION 85681

AIR NEW SOURCE PERMITS REGISTRATION 87825

AIR NEW SOURCE PERMITS REGISTRATION 91253

AIR NEW SOURCE PERMITS REGISTRATION 92953

AIR NEW SOURCE PERMITS REGISTRATION 92671

AIR NEW SOURCE PERMITS REGISTRATION 92587
AIR NEW SOURCE PERMITS REGISTRATION 92585
AIR NEW SOURCE PERMITS REGISTRATION 92692
AIR NEW SOURCE PERMITS REGISTRATION 93574
AIR NEW SOURCE PERMITS REGISTRATION 93532
AIR NEW SOURCE PERMITS REGISTRATION 94424
AIR NEW SOURCE PERMITS REGISTRATION 95036
AIR NEW SOURCE PERMITS REGISTRATION 97071
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402M3
AIR NEW SOURCE PERMITS REGISTRATION 100681
AIR NEW SOURCE PERMITS REGISTRATION 99544
AIR NEW SOURCE PERMITS REGISTRATION 97043
AIR NEW SOURCE PERMITS REGISTRATION 98703
AIR NEW SOURCE PERMITS REGISTRATION 99250
AIR NEW SOURCE PERMITS REGISTRATION 97907
AIR NEW SOURCE PERMITS REGISTRATION 99901
AIR NEW SOURCE PERMITS REGISTRATION 98040
AIR NEW SOURCE PERMITS REGISTRATION 98995
AIR NEW SOURCE PERMITS REGISTRATION 97518
AIR NEW SOURCE PERMITS REGISTRATION 97249
AIR NEW SOURCE PERMITS REGISTRATION 101197
AIR NEW SOURCE PERMITS REGISTRATION 101323
AIR NEW SOURCE PERMITS REGISTRATION 103075
AIR NEW SOURCE PERMITS REGISTRATION 112076
AIR NEW SOURCE PERMITS REGISTRATION 104884
AIR NEW SOURCE PERMITS REGISTRATION 108594
AIR NEW SOURCE PERMITS REGISTRATION 110345
AIR NEW SOURCE PERMITS REGISTRATION 107838
AIR NEW SOURCE PERMITS REGISTRATION 104842
AIR NEW SOURCE PERMITS REGISTRATION 107717
AIR NEW SOURCE PERMITS REGISTRATION 108773
AIR NEW SOURCE PERMITS REGISTRATION 107483
AIR NEW SOURCE PERMITS REGISTRATION 111626
AIR NEW SOURCE PERMITS REGISTRATION 108602
AIR NEW SOURCE PERMITS REGISTRATION 111622
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX23
AIR NEW SOURCE PERMITS REGISTRATION 107735
UNDERGROUND INJECTION CONTROL PERMIT WDW127
UNDERGROUND INJECTION CONTROL PERMIT WDW214
WASTEWATER PERMIT TXG670211
AIR OPERATING PERMITS PERMIT 1541
WASTEWATER PERMIT WQ0000443000
IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
 # (SWR) 30139
AIR EMISSIONS INVENTORY ACCOUNT NUMBER GB0004L

AIR NEW SOURCE PERMITS REGISTRATION 92273
AIR NEW SOURCE PERMITS REGISTRATION 92586
AIR NEW SOURCE PERMITS REGISTRATION 93742
AIR NEW SOURCE PERMITS REGISTRATION 93697
AIR NEW SOURCE PERMITS REGISTRATION 94345
AIR NEW SOURCE PERMITS REGISTRATION 94729
AIR NEW SOURCE PERMITS REGISTRATION 96506
AIR NEW SOURCE PERMITS REGISTRATION 95591
AIR NEW SOURCE PERMITS REGISTRATION 98466
AIR NEW SOURCE PERMITS REGISTRATION 97644
AIR NEW SOURCE PERMITS REGISTRATION 97519
AIR NEW SOURCE PERMITS REGISTRATION 100730
AIR NEW SOURCE PERMITS REGISTRATION 99955
AIR NEW SOURCE PERMITS REGISTRATION 98134
AIR NEW SOURCE PERMITS REGISTRATION 98820
AIR NEW SOURCE PERMITS REGISTRATION 99917
AIR NEW SOURCE PERMITS REGISTRATION 98719
AIR NEW SOURCE PERMITS REGISTRATION 101487
AIR NEW SOURCE PERMITS REGISTRATION 101201
AIR NEW SOURCE PERMITS REGISTRATION 98718
AIR NEW SOURCE PERMITS REGISTRATION 100721
AIR NEW SOURCE PERMITS REGISTRATION 101884
AIR NEW SOURCE PERMITS REGISTRATION 102758
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX119M3
AIR NEW SOURCE PERMITS REGISTRATION 107970
AIR NEW SOURCE PERMITS REGISTRATION 109661
AIR NEW SOURCE PERMITS REGISTRATION 107552
AIR NEW SOURCE PERMITS REGISTRATION 109388
AIR NEW SOURCE PERMITS REGISTRATION 109502
AIR NEW SOURCE PERMITS REGISTRATION 110915
AIR NEW SOURCE PERMITS REGISTRATION 111623
AIR NEW SOURCE PERMITS REGISTRATION 108590
AIR NEW SOURCE PERMITS REGISTRATION 108791
AIR NEW SOURCE PERMITS REGISTRATION 105480
AIR NEW SOURCE PERMITS EPA PERMIT PSDTX402M2
AIR NEW SOURCE PERMITS REGISTRATION 107175
UNDERGROUND INJECTION CONTROL PERMIT WDW080
UNDERGROUND INJECTION CONTROL PERMIT WDW128
UNDERGROUND INJECTION CONTROL PERMIT WDW215
AIR OPERATING PERMITS ACCOUNT NUMBER GB0004L
AIR OPERATING PERMITS PERMIT 2328
WASTEWATER EPA ID TX0003522
STORMWATER PERMIT TXR05BO76

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: September 16, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 16, 2008 to September 16, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Nadia Hameed

Phone: (713) 767-3629

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior | N/A |

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 07/09/2009 ADMINORDER 2007-1919-IHW-E (Findings Order-Agreed Order Without Denial)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)
30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.9(c)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT D 268.40(e)

Rqmt Prov:II.A.7. PERMIT

Description: Failure to prevent the land disposal of characteristically hazardous waste not meeting applicable treatment standards at two unauthorized facilities.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter O 335.431(c)(1)
40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(2)

Rqmt Prov:II.A.7. PERMIT

Description: Failure to provide land disposal restriction notices to the land treatment facility and landfill along with the initial shipments of hazardous amine reclaimer bottoms to those facilities.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Rqmt Prov:II.C.1.h. PERMIT

Description: Failure to maintain an up-to-date Notice of Registration.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)

Rqmt Prov:II.C.1.h. PERMIT

Description: Failure to report the amount of hazardous amine reclaimer bottoms generated in Calendar Years 2004 and 2006.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.10(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.20(a)(1)

Rqmt Prov:II.C.1.h. PERMIT

Description: Failure to correctly complete uniform hazardous waste manifests for nine shipments of hazardous waste to Gulf West Landfill Texas.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.504
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to make a complete and correct hazardous waste determination for amine reclaimer bottoms.

2 Effective Date: 07/20/2009 ADMINORDER 2008-1398-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 335, SubChapter A 335.2(b)

Description: The facility failed to prevent an unauthorized shipment of hazardous waste stream 9022603H, EPA Code F038, stored in a vacuum box VB 1029, to the nonhazardous waste facility, Coastal Plains Landfill, Alvin, Texas.

3 Effective Date: 05/08/2011 ADMINORDER 2010-1527-IWD-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Eff. Lim. and Mon. Req. No. 1 PERMIT

Description: failed to prevent the unauthorized discharge of a nonpermitted wastewater source through Outfall 005 and failed to comply with permitted effluent limits

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Effluent Lim. and Mon. Req. No. 1 PERMIT

Description: failed to comply with permitted effluent limits for Outfall Nos. 001, 005 and 006

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Rqmt Prov:Permit Conditions No. 2.g PERMIT

Description: Failure to prevent the unauthorized discharge of industrial waste into or adjacent to water in the state. During an investigation conducted on March 17, 2010, and March 24, 2010, TCEQ staff documented that on January 27, 2010, a leak in the biosludge pipeline discharged approximately 750 gallons of nonhazardous biosludge into Borrow Ditch.

4 **Effective Date: 11/18/2011 ADMINORDER 2011-0615-IWD-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov:Eff. Lim. & Mon. Req. No 1, Outfall 007 PERMIT

Description: Failure to comply with the permitted effluent limits for total residual chlorine. Specifically, the total residual chlorine monthly maximum exceeded the permit limit of 0.1 milligrams per liter ("mg/L") for the months of October 2010 (0.22 mg/L), November 2010 (0.11 mg/L), and December 2010 (0.24 mg/L).

5 **Effective Date: 12/20/2011 COURTORDER (Final Judgement-Agreed Order With Denial)**

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ AIR PERMIT #3170, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 3170 by emitting the air contaminants listed in paragraph 6.2 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 2231, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 2231 by exceeding the permit limit for emissions of benzene.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 8.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated the TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in Paragraph 7.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 9.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before September 29, 2006. To date, BP has not submitted all of the requested information to the TCEQ.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

47256, Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 13.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before November 30, 2006. To date, BP has not submitted all of the requested information to the TCEQ.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before December 8, 2006. To date, BP has not submitted the requested information.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 10.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested that BP submit additional information on or before December 8, 2006. To date, BP has not submitted all of the requested information.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 11.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emission Event within the time set forth in the request. The TCEQ requested the information be submitted on or before December 8, 2006. To date, BP has not submitted all of the requested information to the TCEQ.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 12.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 2.a.ii. ORDER

47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 14.1 without authorization. BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violation 30 TAC §101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before February 23, 2007. To date, BP has not submitted all of the requested information.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC §101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. BP discovered that the startup developed into an Emissions Event on or before December 12, 2006. To date, BP has not submitted an initial report for the Emissions Event. BP submitted a final report on February 28, 2007.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: BP also violation 30 TAC §101.201(b) by failing to submit its final notification of an Emissions Event within two weeks of the end of the event. The event ended on December 12, 2006, however, BP submitted its final report to the TCEQ on February 28, 2007.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 16.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violation 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. On February 26, 2007, the TCEQ requested that BP submit additional information about the event on or before March 12, 2007. To date, BP has not submitted all of the information requested by the TCEQ.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 17.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before March 1, 2007. To date, BP has not submitted the information.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before November 13, 2006; BP submitted its initial report of the event to the TCEQ on November 27, 2006.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 15.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 18.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 94 percent.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 19.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(f)

Description: BP also violated 30 TAC § 101.201(f) by failing to provide requested information regarding the Emissions Event within the time set forth in the request. The TCEQ requested the information be submitted on or before July 11, 2007. To date, BP has not submitted all of the information requested by the TCEQ.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 51 percent.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 20.1 without authorization. BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. BP discovered the event on or before May 15, 2007, at 5 p.m. The initial notification of the Emissions Event was not submitted to the TCEQ until May 25, 2007, at 3:41 p.m.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.201(b)

Description: BP also violated 30 TAC 101.201(b) by failing to submit its final report of an Emissions Event no later than fourteen days after the end of the event. BP reported that the Emissions Event ended on May 18, 2007, at 4 a.m. BP submitted its final notification to the TCEQ on June 8, 2007, at 1:09 p.m.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: BP also violated 30 TAC § 101.201(b)(1)(G) by failing to include a list of the reportable and non-reportable individual air contaminants released in its final report of this Emissions Event, which was due on June 21, 2007.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

Description: BP also violated 30 TAC § 101.201(b)(1)(H) by failing to include the estimated total quantities for those listed air contaminants in its final report of this Emissions Event, which was due on June 21, 2007.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 21.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Air Permit No. 47256, SC#1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 22.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

Description: BP also violated 30 TAC § 101.201(b)(1)(G) by failing to include all the reportable and non-reportable emissions of individually-listed air contaminants in its final report of this Emissions Event.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before June 18, 2007, at 3:10 p.m.; BP submitted its initial report of the event to the TCEQ on June 26, 2007, at 1:23 p.m.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 23.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 24.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before July 10, 2007, at 2:10 p.m.; BP submitted its initial report of the event to the TCEQ on July 11, 2007, at 4:15 p.m.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 25.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery. The event began on or before July 31, 2007, at 8:00 a.m.; BP submitted its initial report on August 1, 2007, at 9:45 a.m.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 26.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 27.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

30 TAC Chapter 101, SubChapter F 101.223(a)(1)

30 TAC Chapter 101, SubChapter F 101.223(a)(2)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before August 4, 2007, at 10:50 a.m. BP submitted its initial report of the event to the TCEQ on August 17, 2007, at 2:20 p.m. BP also violated 30 TAC § 101.223(a)(1) and 101.223(a)(2) by failing to submit a CAP within 60 days of receiving notification and questions from TCEQ's.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 28.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 29.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Air Flexible Permit #47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 32.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 30.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before November 18, 2007, at 4:00 a.m.; BP submitted its initial report of the event to the TCEQ on November 27, 2007, at 5:36 p.m.

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256 SC 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 31.1 without authorization. BP also violated 30 TAC § 101.20 I (a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after discovery.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:47256 SC 38 PERMIT

Description: BP also violated TCAA § 382.085 and Permit 47256 by exceeding the permitted opacity limit of 20 percent averaged over a six-minute period. BP reported an opacity of 94 percent.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 33.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 34.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 35.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085
Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Air Flexible Permit 47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 361.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. BP discovered that the startup developed into an Emissions Event on or before January 30, 2008. BP did not submit an initial report, but submitted a final report on February 19, 2009.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 2315, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 39.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Air Permit #47256, SC#1 PA

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 38.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 40.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:47256, Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 44.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 2612, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 41.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before May 16, 2008, at 3:50 p.m.; BP submitted its initial report of the event to the TCEQ on May 20, 2008, at 2:15 p.m.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 49.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 50.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 48.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 51.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 43.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 19599, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 19599 by emitting the air contaminants listed in paragraph 45.1

without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 6488, Special Condition #2 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 42.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition No. 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 46.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:Special Condition 1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 47.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 56.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 53.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 55.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:47256 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 58.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 54.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Air Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 56.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 59.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 52.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 60.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition #1, PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 61.1 without authorization.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC § 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. The event began on or before March 7, 2009, when the actual startup emissions exceeded the original estimated emissions. BP did not submit an initial notification for the Emissions Event to the TCEQ. BP submitted a final report on March 20, 2009.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

Description: BP also violated 30 TAC 101.201(a)(1)(B) by failing to submit its initial notification of an Emissions Event no later than 24 hours after its discovery. Accordint to a report submitted by BP, the event began on or before January 9, 2009, when the actual startup emissions exceeded the original estimated emissions. BP submitted its initial report of the event to the TCEQ on January 23, 2009.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 62.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
TCEQ Flexible Permit Nol 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 64.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER
No. 47256, Special Condition #1, PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 66.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Permit No. 2231, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 2231 by emitting the air contaminants listed in paragraph 63.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 65.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 67.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 69.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 70.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

No. 47256, Special Condition #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 68.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 72.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 71.1 without authorization.

Classification: Moderate

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:TCEQ Flexible Permit NO. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 73.1 without authorization.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

TCEQ Flexible Permit No. 47256, SC #1 PERMIT

Description: BP violated TCAA § 382.085 and Permit 47256 by emitting the air contaminants listed in paragraph 74.1 without authorization.

Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter B 112.32

Description: BP violated 30 TAC § 112.32 by emitting H₂S in such amount and concentration as to exceed the limits set forth therein (concentrations exceeded 0.12 ppm over a 30-minute period).

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO₂ in a period of 24 hours from Flare No. 2 (EPN 311), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by April 20, 2008.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO₂ in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by October 2, 2007.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO₂ in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by January 2, 2008.

Classification: Major

Citation: 5C THSC Chapter 382 382.085

Rqmt Prov:2005-0224-AIR-E, Order Provision 4.a.ii. ORDER

Description: BP violated the 2006 Order by failing to timely submit a Flaring Root Cause Report. The 2006 Order required BP to submit a Flaring Root Cause Report for this Emissions Event because it involved the release of over 500 lbs of SO₂ in a period of 24 hours from Flare No. 1 (EPN 301), a device listed in the 2006 Order. Ordering Provision 4.a.ii. of the 2006 Order required BP to submit the Flaring Root Cause Report to the TCEQ by October 10, 2008.

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Effective Date: 02/10/2013 ADMINORDER 2012-0839-AIR-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THSC Chapter 382 382.085(b)

Description: The Respondent failed to submit an initial notification for Incident No. 162823 not later than 24 hours after the discovery of an emissions event on December 8, 2011.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 1 PERMIT
SC 16 OP

Description: The Respondent failed to prevent unauthorized emissions during an emissions event on December 8, 2011 (Incident No. 162823).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)
30 TAC Chapter 116, SubChapter G 116.715(a)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: SC 16 OP
SPECIAL CONDITION 1 PERMIT

Description: The Respondent failed to prevent unauthorized emissions during an excessive emissions event on December 10, 2011 (Incident No. 162658),

See addendum for information regarding federal actions.

B. Criminal convictions:

1 Conviction Date: 03/12/2009 Type of Action: COURTORDER

Classification: Major
Rqmt Prov:

Citation: 42 USC Chapter 85 Subchapter I 85.7413(c)(1)

Description: The charges were based on the catastrophic explosion that occurred on March 23, 2005 at the Texas City refinery, which resulted in the death of fifteen contract workers and injuries of over 170 others. BP admitted from 1999 up until the morning of March 23, 2005, several procedures required by the Clean Air Act for ensuring the mechanical integrity and a safe startup had either not been established or were being ignored.

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 19, 2008	(710589)
Item 2	October 14, 2008	(703860)
Item 3	October 31, 2008	(684689)
Item 4	November 14, 2008	(727383)
Item 5	November 17, 2008	(704101)
Item 6	November 19, 2008	(640220)
Item 7	December 16, 2008	(689079)
Item 8	December 18, 2008	(708373)
Item 9	January 06, 2009	(721738)
Item 10	January 16, 2009	(702015)
Item 11	January 28, 2009	(724615)
Item 12	February 03, 2009	(702626)
Item 13	February 19, 2009	(750120)
Item 14	February 20, 2009	(727119)
Item 15	February 24, 2009	(726203)
Item 16	March 18, 2009	(737936)
Item 17	March 24, 2009	(738758)
Item 18	April 08, 2009	(741515)
Item 19	April 20, 2009	(750122)
Item 20	May 18, 2009	(742895)
Item 21	May 20, 2009	(768261)
Item 22	June 01, 2009	(741112)
Item 23	June 18, 2009	(742853)
Item 24	July 17, 2009	(761711)
Item 25	July 20, 2009	(762272)
Item 26	July 24, 2009	(761766)

Item 27	August 20, 2009	(804321)
Item 28	September 18, 2009	(804322)
Item 29	October 05, 2009	(776496)
Item 30	October 14, 2009	(766930)
Item 31	October 15, 2009	(767921)
Item 32	October 20, 2009	(804323)
Item 33	November 16, 2009	(775114)
Item 34	November 18, 2009	(780912)
Item 35	November 19, 2009	(804324)
Item 36	December 11, 2009	(784532)
Item 37	December 22, 2009	(765581)
Item 38	January 13, 2010	(776415)
Item 39	January 19, 2010	(786935)
Item 40	January 20, 2010	(804326)
Item 41	January 22, 2010	(764897)
Item 42	February 08, 2010	(788206)
Item 43	February 19, 2010	(804319)
Item 44	March 01, 2010	(789943)
Item 45	March 15, 2010	(792053)
Item 46	March 19, 2010	(794214)
Item 47	March 25, 2010	(794999)
Item 48	April 07, 2010	(791609)
Item 49	April 12, 2010	(795849)
Item 50	April 13, 2010	(795731)
Item 51	April 16, 2010	(796533)
Item 52	April 20, 2010	(830755)
Item 53	April 22, 2010	(795783)
Item 54	April 27, 2010	(799437)
Item 55	April 29, 2010	(799484)
Item 56	May 18, 2010	(802190)
Item 57	May 19, 2010	(799544)
Item 58	May 20, 2010	(830756)
Item 59	June 02, 2010	(802241)
Item 60	June 11, 2010	(825312)
Item 61	June 17, 2010	(846226)
Item 62	June 30, 2010	(828027)
Item 63	July 02, 2010	(801675)
Item 64	July 09, 2010	(825992)
Item 65	July 20, 2010	(860823)
Item 66	August 06, 2010	(790164)
Item 67	August 17, 2010	(841043)
Item 68	August 18, 2010	(849412)
Item 69	August 20, 2010	(866786)
Item 70	August 30, 2010	(844232)
Item 71	September 01, 2010	(827166)
Item 72	September 08, 2010	(830406)
Item 73	September 17, 2010	(873860)
Item 74	October 11, 2010	(797859)
Item 75	October 25, 2010	(864605)
Item 76	November 10, 2010	(881462)
Item 77	December 03, 2010	(857421)
Item 78	December 07, 2010	(871650)
Item 79	December 08, 2010	(879803)
Item 80	January 10, 2011	(880576)
Item 81	February 10, 2011	(890880)
Item 82	February 15, 2011	(878085)
Item 83	February 16, 2011	(878081)
Item 84	March 14, 2011	(924737)
Item 85	March 16, 2011	(894249)
Item 86	April 20, 2011	(924738)
Item 87	May 12, 2011	(937982)

Item 88	May 19, 2011	(879858)
Item 89	May 24, 2011	(919797)
Item 90	June 06, 2011	(923359)
Item 91	June 16, 2011	(913682)
Item 92	July 11, 2011	(923481)
Item 93	July 20, 2011	(952581)
Item 94	July 27, 2011	(933497)
Item 95	July 29, 2011	(933423)
Item 96	August 01, 2011	(936243)
Item 97	August 11, 2011	(937224)
Item 98	August 12, 2011	(942193)
Item 99	August 15, 2011	(944257)
Item 100	August 19, 2011	(959263)
Item 101	August 22, 2011	(936280)
Item 102	August 24, 2011	(944819)
Item 103	September 07, 2011	(941177)
Item 104	September 15, 2011	(965292)
Item 105	September 21, 2011	(956243)
Item 106	October 12, 2011	(958183)
Item 107	October 13, 2011	(949148)
Item 108	October 19, 2011	(971335)
Item 109	November 02, 2011	(956280)
Item 110	November 15, 2011	(977493)
Item 111	December 01, 2011	(900824)
Item 112	December 08, 2011	(969205)
Item 113	December 19, 2011	(974623)
Item 114	December 22, 2011	(975598)
Item 115	January 05, 2012	(974914)
Item 116	January 09, 2012	(974839)
Item 117	January 20, 2012	(990561)
Item 118	February 06, 2012	(944943)
Item 119	February 16, 2012	(997925)
Item 120	March 08, 2012	(983800)
Item 121	March 20, 2012	(1003445)
Item 122	March 21, 2012	(993999)
Item 123	April 19, 2012	(1010009)
Item 124	May 08, 2012	(1001873)
Item 125	May 17, 2012	(1016405)
Item 126	May 22, 2012	(1006645)
Item 127	May 23, 2012	(990089)
Item 128	June 05, 2012	(962393)
Item 129	June 06, 2012	(963427)
Item 130	June 07, 2012	(1008710)
Item 131	June 11, 2012	(1008099)
Item 132	June 13, 2012	(1009278)
Item 133	June 25, 2012	(1008873)
Item 134	June 29, 2012	(1015268)
Item 135	July 02, 2012	(1009727)
Item 136	July 09, 2012	(1008877)
Item 137	July 16, 2012	(1007009)
Item 138	July 17, 2012	(1019336)
Item 139	July 24, 2012	(962577)
Item 140	August 06, 2012	(968582)
Item 141	August 29, 2012	(970641)
Item 142	September 20, 2012	(1046621)
Item 143	October 16, 2012	(1036636)
Item 144	October 17, 2012	(1034625)
Item 145	October 18, 2012	(1060732)
Item 146	October 29, 2012	(1035407)
Item 147	November 07, 2012	(1009934)

Item 148	November 20, 2012	(1060733)
Item 149	November 28, 2012	(1037740)
Item 150	December 05, 2012	(1040982)
Item 151	December 10, 2012	(1043635)
Item 152	December 17, 2012	(1060734)
Item 153	December 21, 2012	(1043678)
Item 154	January 03, 2013	(1051525)
Item 155	January 10, 2013	(1045915)
Item 156	January 11, 2013	(1050838)
Item 157	January 15, 2013	(1078879)
Item 158	January 23, 2013	(1042965)
Item 159	January 25, 2013	(1052734)
Item 160	February 08, 2013	(1056500)
Item 161	February 12, 2013	(1054111)
Item 162	February 15, 2013	(1054112)
Item 163	February 20, 2013	(1078878)
Item 164	February 28, 2013	(1042867)
Item 165	March 12, 2013	(1073132)
Item 166	March 13, 2013	(1089263)
Item 167	March 16, 2013	(1055390)
Item 168	April 01, 2013	(1054109)
Item 169	April 10, 2013	(1055358)
Item 170	April 17, 2013	(1095657)
Item 171	April 25, 2013	(1075096)
Item 172	May 02, 2013	(1078460)
Item 173	May 14, 2013	(1087514)
Item 174	June 10, 2013	(1085415)
Item 175	June 19, 2013	(1110258)
Item 176	July 11, 2013	(1120055)
Item 177	July 30, 2013	(1055614)
Item 178	August 07, 2013	(1101900)
Item 179	September 03, 2013	(1102125)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 **Date: 11/07/2012 (1029162)** **CN604166868**
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 30 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event. (Category B13 violation)

- 2 **Date: 11/13/2012 (1036097)**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
47256 PERMIT
5C THSC Chapter 382 382.085(a)
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emissions event.

- 3 **Date: 11/26/2012 (1035428)** **CN604166868**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
5C THSC Chapter 382 382.085(b)
Special Condition 1 PERMIT
Description: Failure to meet the demonstration criteria for an affirmative defense for unauthorized emissions during an emission event. Category B13

- 4 **Date: 12/14/2012 (1029229)** **CN604166868**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST & C 1A OP

Description: Failure to maintain the CO concentration limit of 400 ppmv from Thermal Oxidizers F-705 (EPN 294-1) and F-708 (EPN 294-2)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 SC 51E PERMIT
 ST & C 1A and 16A OP

Description: Failure to equip open-ended lines with a second valve or a plug

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 58 PERMIT
 ST & C 16A OP

Description: Failure to maintain records for maintenance, startup, and shutdown (MSS) activities

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 59 PERMIT
 ST & C 16A OP

Description: Failure to properly calibrate VOC instruments/detectors and failure to maintain calibration and monitoring records

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 SC 60B PERMIT
 ST & C 16A OP

Description: Failure to monitor open-ended valves or lines as a result of maintenance, startup, and shutdown (MSS) activities

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.116(b)(1)
 5C THSC Chapter 382 382.085(b)

Description: Failure to submit a permit amendment application to correctly represent the collection efficiency on marine loading at the docks

5 **Date: 04/12/2013 (1052975)** **CN604166868**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)
 5C THSC Chapter 382 382.085(b)
 SC-1 PERMIT

Description: Failure to submit information sufficient to demonstrate that Incident # 177981 met all the demonstration criteria required to present an affirmative defense for the unauthorized emissions associated with the emissions event. {Subcategory B13}

6 **Date: 06/30/2013 (1117141)** **CN604166868**

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

7 **Date: 07/15/2013 (1050414)** **CN604166868**

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)
 5C THSC Chapter 382 382.085(b)
 Special Condition 10E PERMIT
 Special Condition 11E PERMIT
 Special Condition 1E PERMIT

Special Condition 4E PERMIT

Special Condition 8E PERMIT
Special Conditions 17E and 49E PERMIT
ST&C 1A and 23 OP

Description:	Failure to prevent open ended lines in VOC service.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP	
Description:	Failure to report all deviations during reporting period.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(C) 5C THSC Chapter 382 382.085(b) General Terms & Conditions OP	
Description:	Failure to submit all deviations within 30 days of end of reporting period.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 26 PERMIT ST&C 1A and 23 OP	
Description:	Failure to maintain permitted retention time of liquids in Amine Drum.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 14A PERMIT Special Condition 7A PERMIT ST&C 1A and 23 OP	
Description:	Failure to maintain flare minimum net heating value above 300 Btu/scf.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 35 PERMIT Special Condition 9 PERMIT ST&C 1A and 23 OP	
Description:	Failure to maintain NOx factors below permitted limits.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 3 PERMIT Special Condition 36 PERMIT ST&C 1A and 23 OP	
Description:	Failure to maintain firing rate of heaters below permitted limits.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter B 115.112(a)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1A OP	
Description:	Failure to maintain liquid vapor pressure below required limits.	
Self Report?	NO	Classification: Major
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Db 60.45b(c) 5C THSC Chapter 382 382.085(b) ST&C 1A OP	
Description:	Failure to conduct initial testing of RDU Heater 601B per NSPS Db requirements.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) ST&C 1A OP	
Description:	Failure to collect manual samples from Flares TCH-6 and AU2.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 59A (1) PERMIT	

Description: ST&C 1A and 23 OP
 Failure to calibrate monitoring equipment as required.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 61F PERMIT
 ST&C 1A and 23 OP

Description: Failure to record monthly tank landing emissions as required.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to close gauge hatches on storage tanks T280-188 and T280-26.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(h)(2)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to maintain difficult to monitor component count below 3 percent of total.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(g)(1)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to describe dangers associated with unsafe to monitor components in UTM Plan. (Category C3 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(2)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to maintain ammonia slip on the SCR below 10 ppmvd over a 24 hour period.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to obtain authorization for increased emissions from Tank T280-1052. (Category B3 Violation)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(a)(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to submit failed tank inspection report to the TCEQ within 30 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to conduct first repair attempt on connector within five days of discovery.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(F)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A and 3B(iv)(1) OP

Description: Failure to properly perform quarterly visible emission inspection. (Category C1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(3)
 30 TAC Chapter 115, SubChapter H 115.764(a)(3)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 32 PERMIT
 ST&C 1A and 23 OP

Description: Failure to maintain GC analyzers with less than 5 percent downtime for compliance year.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 14C PERMIT
 Special Condition 30 PERMIT
 ST&C 1A and 23 OP
 Description: Failure to control particulate matter leading to excess opacity.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 6H PERMIT
 Special Condition 8I PERMIT
 ST&C 1A and 23 OP
 Description: Failure to repair leaking valve within 15 days after discovery. (Category B19g1 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.111(a)(2)(G)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to maintain storage tank throughputs below permitted limits.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter D 115.354(11)
 30 TAC Chapter 115, SubChapter H 115.781(b)
 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(a)(2)(ii)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(d)(1)(i)
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.174(b)(3)(i)
 5C THSC Chapter 382 382.085(b)
 Special Condition 51F PERMIT
 ST&C 1A and 23 OP
 Description: Failure to monitor components in VOC service.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(a)(1)(C)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to maintain oxygen limit below established parameters.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 1 PERMIT
 ST&C 1A and 23 OP
 Description: Failure to maintain emissions below permitted limits. (Category B14 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 117, SubChapter B 117.305(e)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP
 Description: Failure to maintain CO concentrations below 400 ppm.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 117, SubChapter B 117.310(c)(1)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 27 PERMIT
 ST&C 1A and 23 OP
 Description: Failure to control excess CO concentrations from FCCU3. (Category B14 Violation)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 9 PERMIT
 ST&C 1A and 23 OP
 Description: Failure to maintain emission limits on B621B. (Category B14 Violation)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 8 PERMIT
 ST&C 1A and 23 OP

Description: Failure to maintain emissions below permitted limits from coke heaters.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 31 PERMIT
 ST&C 1A and 23 OP

Description: Failure to maintain SO2 concentrations below permitted limits over a seven day rolling average.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 5 PERMIT
 ST&C 1A and 23 OP

Description: Failure to maintain emissions below permitted limits on F1001.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.305(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to maintain CO concentrations below permitted limits on UU3 heaters. (Category B14 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A and 25B OP

Description: Failure to maintain emissions below standard permit limits.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 112, SubChapter A 112.7(a)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A OP

Description: Failure to maintain SO2 emissions below limits in Federal Operating Permit Periodic Monitoring Summary.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 Special Condition 45 PERMIT
 ST&C 1A and 23 OP

Description: Failure to test acid gas emissions and condenser outlets on SRU waste heat boilers.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.142(b)(3)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 GT&C OP

Description: Failure to add temporary scrubber to Title V air permit.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 1A and 25B OP

Description: Failure to limit the amount of control additives in the catalyst multi-loader. (Category B19g1 Violation)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 2F OP

Description: Failure to report emissions event within 24 hours after incident.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.10(e)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 ST&C 2E OP

Description: Failure to include MSS emissions in the 2010 emissions inventory.

F. Environmental audits:

Notice of Intent Date: 02/11/2008 (639339)

Disclosure Date: 02/11/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.780
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT UUU 63.1574(f)(1)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Operating Permit O-01541

Description: Failure to submit changes to the operations, maintenance and monitoring plan (OMMP) for UU4 and FCCU3 Units for review and approval by the TCEQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 113, SubChapter C 113.120
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.152(c)(1)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT O-01541

Description: Submitted that HON semiannual reports for the AU2 Unit at the refinery after the due date on multiple occasions.

Notice of Intent Date: 02/11/2008 (639343)

Disclosure Date: 02/11/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.107(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(c)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.7(d)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Operating Permit O-01541

Description: Failure to submit NSPS J semiannual reports containing information required by 40 CFR 60.7(c), 60.7(d), and 60.107(b), to the TCEQ. The reports were submitted to the EPA, but not to the TCEQ.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(a)(4)
40 CFR Chapter 60, SubChapter C, PT 60, SubPT J 60.105(b)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Operating Permit O-01541

Description: Failure to monitor fuel gas in AU2 at locations that accurately represent the concentration of H2S of the gas being burned as required, and no application for exemption from monitoring has been submitted.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.345(d)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Operating Permit O-01541

Description: Failure to submit report timely. The refinery CEMS semiannual report for the reporting period June - December 2006 was submitted on July 19, 2007. The required date for submitting the report was January 30, 2007.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.354(a)(4)
30 TAC Chapter 122, SubChapter B 122.143(4)
5C THSC Chapter 382 382.085(b)
2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: PERMIT Operating Permit O-01541

Description: Failure to include information regarding stack tests as required in the ESAD Final Control Plan for the refinery, and did not complete or submit stack test reports for chapter 117 compliance within 60 days for ULC, NDU, DDU, RHU, and UU4.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146
5C THSC Chapter 382 382.085(b)
2A TWC Chapter 7, SubChapter A 7.101

Description: Failure to include the violations noted in the disclosure letter that pertain to BP Products North America in the appropriate deviation reports and compliance certifications.

Notice of Intent Date: 03/12/2008 (646267)

Disclosure Date: 03/12/2009

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(1)
5C THSC Chapter 382 382.085(b)
30 TAC Chapter 7 7.101

Description: Failure to perform annual calibration of temperature, pressure and flow monitors of the following flares in HRVOC service: TCH-2 (3 lines), TCH-3, and TCH-4 (2 lines) in the Power2 Yard; Flare 1, Flare 8, CFHU, ULC and DDU.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)
30 TAC Chapter 122, SubChapter B 122.146
5C THSC Chapter 382 382.085(b)
30 TAC Chapter 7 7.101

Description: Failure to include the violations noted in this disclosure letter that pertain to BP Products North America in the appropriate deviation reports and compliance certifications.

Notice of Intent Date: 03/02/2010(798036)

No DOV Associated

Notice of Intent Date: 10/30/2012(1088407)

No DOV Associated

Notice of Intent Date: 02/18/2013(1088825)

No DOV Associated

Notice of Intent Date: 04/18/2013(1088710)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: BP PRODUCTS NORTH AMERICA

Reg Entity Add: 2401 5TH AVENUE SOUTH

Reg Entity City: TEXAS CITY

Reg Entity No: RN102535077

Customer Name: BP Products North America, Inc.

Customer No: CN600866800

EPA Case No: 06-2013-3329

Order Issue Date (yyyymmdd): 20130325

Case Result: Final Order With Penalty

Statute: CAA

Sect of Statute: 112[R][1]

Classification: Minor

Program: Risk Management

Citation:

Violation Type:

Cite Sect: Program

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without
Injunctive Relief

Reg Entity Name: BP PRODUCTS NORTH AMERICA

Reg Entity Add: 2401 5TH AVENUE SOUTH

Reg Entity City: TEXAS CITY

Reg Entity No: RN102535077

Customer Name: BP North America

Customer No: CN600866800

EPA Case No: 06-2006-3402

Order Issue Date (yyyymmdd): 20090918

Case Result: Final Order with Penalty

Statute: CAA

Sect of Statute: 112[R][1]

Classification: Moderate

Program: National Emission

Citation:

Violation Type: Asbestos Requirement Violation

Cite Sect:

Standards

Cite Part:

Enforcement Action: Concernt Decree/Court Order

Reg Entity Name: TEXAS CITY REFINERY

Reg Entity Add: 2401 FIFTH AVENUE SOUTH

Reg Entity City: TEXAS CITY

Reg Entity No: RN102535077

Customer Name: BP Exploration (Alaska)

Customer No:

EPA Case No: HQ-2011-5054

Order Issue Date (yyyymmdd): 20111123

Case Result:

Statute: RCRA

Sect of Statute: 3008H

Classification: Minor

Program: Gen Hazardous Waste

Citation:

Violation Type:

Cite Sect: Management - Subtitle C -

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without
Injunctive Relief

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BLANCHARD REFINING
COMPANY LLC
RN102535077**

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**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2013-1754-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Blanchard Refining Company LLC ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a petroleum refinery located at 2401 5th Avenue South in Texas City, Galveston County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 29, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Fourteen Thousand Two Hundred Fifty Dollars (\$14,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Four Hundred

Dollars (\$11,400) of the administrative penalty and Two Thousand Eight Hundred Fifty Dollars (\$2,850) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a)
9. The Executive Director recognizes that by July 1, 2013 the Respondent revised procedures and trained operators to prevent the recurrence of emissions events due to same or similar causes as Incident No. 179920.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have failed to prevent unauthorized emissions, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(F), Air Permit No. 2231, Special Conditions No. 1 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 4, 2013. Specifically, the Respondent released 11,017.6 pounds ("lbs") of volatile organic compounds, 144.5 lbs of carbon monoxide, 20 lbs of nitrogen oxides, 0.01 lb of hydrogen sulfide, and 1,026.9 lbs of benzene at the Oil Movements Control Center, during an emissions event (Incident No. 179920) that began on February 28, 2013 and lasted one hour and seventeen minutes. The emissions event occurred when the operator failed to follow the correct procedure on tank to tank transfer of materials, leading to a leak and a subsequent fire. Since this emissions event could have been avoided by better operating practices, the Respondent is precluded from asserting an affirmative defense under 30 TEX. ADMIN. CODE § 101.222.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Blanchard Refining Company LLC, Docket No. 2013-1754-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Ray Brooks
For the Executive Director

4/17/14
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ray Brooks
Signature



11/5/13
Date

Ray Brooks
Name (Printed or typed)
Authorized Representative of
Blanchard Refining Company LLC

General Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.